



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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GAIL FARBER, Director

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ALHAMBRA, CALIFORNIA 91802-1460

February 14, 2012

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

32 February 14, 2012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT  
MILLBURY AVENUE, ET AL.  
IN THE CITIES OF MONTEREY PARK AND PASADENA  
AND IN THE UNINCORPORATED COMMUNITIES OF  
GLEN DORA (ISLANDS), SOUTH SAN GABRIEL, VALINDA  
AND WEST ARCADIA (ISLANDS)  
(SUPERVISORIAL DISTRICTS 1 AND 5)  
(3 VOTES)**

### **SUBJECT**

This action is to award a public works construction contract for Millbury Avenue, et al., and authorize the Director of Public Works or her designee to execute a contract for work in the Cities of Monterey Park and Pasadena and in the unincorporated communities of Glendora (islands), South San Gabriel, Valinda, and West Arcadia (islands).

### **IT IS RECOMMENDED THAT YOUR BOARD:**

Award and authorize the Director of Public Works or her designee to prepare the construction contract in the form previously approved by County Counsel, execute the contract, and establish the effective date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance filed by the contractor for Project ID No. RDC0014347 – Millbury Avenue, et al., for construction of sidewalk, in the Cities of Monterey Park and Pasadena and in the unincorporated communities of Glendora (islands), South San Gabriel, Valinda, and West Arcadia (islands), to Angel Fierros, an individual dba FS Construction, in the amount of \$354,973.60.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to obtain approval from your Board to award this construction contract and authorize the Director of Public Works (Director) or her designee to execute the contract and establish the effective contract date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance filed by the contractor for this project.

On November 1, 2011, Agenda Item 26, your Board approved the project, adopted the plans and specifications, called for bids to be received on December 1, 2011, and instructed the Executive Officer of the Board of Supervisors to advertise the project.

The enclosure includes the project description, the call for bids and bid opening dates, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal for the project are also enclosed.

The recommended construction contract is necessary to execute a Board-directed and approved Department of Public Works (Public Works) project in support of operational missions. Your Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). Awarding this contract will provide improved infrastructure to better serve the public and will enhance the quality of life in the affected communities.

### **FISCAL IMPACT/FINANCING**

This action will have no impact to the County General Fund.

The construction cost of \$354,973.60 is included in the First and Fifth Supervisorial Districts' Road Construction Program in the Fiscal Year 2011-12 Road Fund and Special Road District No. 5 Fund Budgets.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract agreements will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and your Board's requirements.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting your Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' (County) Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service

Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; Local Business Enterprise Preference Program, Los Angeles County Code, Chapter 2.204; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

On November 1, 2011, Agenda Item 26, your Board found this project to be categorically exempt from the provisions of the California Environmental Quality Act.

### **CONTRACTING PROCESS**

The contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids.

Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The Honorable Board of Supervisors

2/14/2012

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This construction contract will result in improved public works infrastructure in the communities where the work is scheduled.

**CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:JTS:lg

Enclosures

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)

AWARD OF CONTRACT  
February 14, 2012

PROJECT ID NO. RDC0014347 - Millbury Avenue, et al. (in the Cities of Monterey Park and Pasadena and in the unincorporated communities of Glendora (islands), South San Gabriel, Valinda, and West Arcadia (islands), Supervisorial Districts 1 and 5.

TYPE OF WORK: Construction of sidewalk and the performance of other appurtenant work.

CALL FOR BIDS DATE: November 1, 2011 (Agenda Item 26)

BID OPENING DATE: December 1, 2011

BID SUMMARY:

Low	+*Angel Fierros, an individual dba FS Construction 14838 Bledsoe Street Sylmar, California 91342 (818) 838-6040	\$354,973.60
2	Pointer Enterprises, Inc.	\$338,220.00
3	Kormx, Inc.	\$339,006.36
4	Nobest, Inc.	\$370,016.00
5	Bannaoun Engineers Constructors	\$391,818.00
6	Sully-Miller Contracting Company	\$398,750.00
7	Shawnan	\$427,847.50
8	Segeul Contractors, Inc.	\$451,251.35
9	Unique Performance Construction, Inc.	\$485,547.60
10	Silvia Construction, Inc.	\$498,675.65
11	Excel Paving Company	\$567,829.30

\*MWBE  
+LSBE

On December 1, 2011, eleven bids were opened, and the contractor with the lowest responsive bid was from Pointer Enterprises, Inc. The second lowest bidder, Angel Fierros, an individual dba FS Construction, is a Local Small Business Enterprise certified by the County of Los Angeles, and its bid is within the 5 percent or \$50,000 preference. Therefore, pursuant to Chapter 2.204 of the Los Angeles County Code, Local Business Enterprise Preference Program, we recommend award of the contract to FS Construction in the amount of \$354,973.60.

#### FINANCIAL INFORMATION:

Amount of estimate	\$438,979.22
Amount of recommended contract	\$354,973.60
Amount of recommended contract below estimate	\$ 84,005.62

The amount of the recommended contract is 19 percent below the estimate.

Portions of this project are in the Cities of Monterey Park and Pasadena. The Cities of Monterey Park and Pasadena will finance their jurisdictional shares of the cost of the project, estimated to be \$54,000 and \$9,000, respectively, under City Service Requests.

The County's share of the project cost, estimated to be \$1,190,000 will be financed with \$171,000 in Special Road District No. 5 funds and \$1,019,000 from the First Supervisorial District's Road Construction Program. The Road Fund will be reimbursed with First Supervisorial District General funds in the Fiscal Year 2011-12 Public Works General Fund Budget. This project is included in the Fiscal Year 2011-12 Road Fund and Special Road District No. 5 Fund Budgets.

#### MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

FS Construction is an MWBE contractor.

#### ENVIRONMENTAL IMPACT:

On November 1, 2011, Agenda Item 26, your Board found this project categorically exempt.

#### CONSTRUCTION SCHEDULE:

This project is to be completed in 35 working days. It is estimated the work will start in May 2012 and be completed in June 2012.

AMF:lg